



REC'D 10/29/01

Texas Eastern
Transmission, LP
Algonquin Gas
Transmission Company
East Tennessee
Natural Gas Company
5400 Westheimer Court
Houston, TX 77056-5310
P.O. Box 1642
Houston, TX 77251-1642

October 26, 2001

Department of the Interior
Minerals Management Service
Mail Stop 4020
381 Elden Street
Herndon, Virginia 20170-4817

Attn: Rules Processing Team (RPT)

RE: **1010-AC75**
Proposed Rule
Safety Measures and Procedures for Pipeline Modifications and Repairs

Duke Energy Gas Transmission (DEGT), through its pipeline subsidiaries, Algonquin Gas Transmission Company, East Tennessee Natural Gas Company, Texas Eastern Transmission LP, and Maritimes & Northeast Pipeline LLC, operates an extensive interstate natural gas transmission system. This pipeline system receives natural gas from the major production areas of the Gulf Coast for transportation and sale in the Upper Midwest and Northeastern United States. The operation of this pipeline system is subject to the requirements of Title 49 Code of Federal Regulation Parts 190, 191, 192, 193, and 199.

DEGT owns and operates natural gas transmission pipelines in the Gulf of Mexico area of the Outer Continental Shelf. With respect to the Department of Transportation/Department of the Interior Memorandum of Understanding (DOT/DOI MOU) dated December 10, 1996, DEGT pipelines are classified as DOT pipelines because they are engaged in the transportation of hydrocarbons.

DEGT supports the efforts of the Minerals Management Service (MMS) to issue regulations under 30 CFR Part 250 to regulate and improve the safety of the MMS regulated offshore production operators and production facilities. However, DEGT pipelines, as transportation

pipelines under the terms of the current DOT/DOI MOU, are subject to the jurisdiction of 49 CFR Part 192 with respect to pipeline operation, maintenance, and safety activities. As such and per the aforementioned MOU, we are committed to compliance with the DOT regulations as defined in 49 CFR Part 192 for operational and safety related activities associated with our offshore transmission facilities.

As a lessee, we recognize the authority of the MMS for land use, permitting, and notification issues. As such, it is our current procedural practice to telephonically notify the MMS Office of Field Operations in New Orleans when there are occurrences of leaks, failures, corrosion or other damage discovered on our offshore transportation pipelines, including emergency situations. These notifications are made as soon as practical following discovery of the occurrence. It is also our procedure to submit a written report to the MMS upon completion of any offshore pipeline repairs which includes information on the occurrence and repair activities. These practices, together with the clarity provided by the MOU, have helped establish a constructive operating environment for offshore transportation operators, and we appreciate the MMS' efforts toward their development and application.

In the interest of pipeline safety offshore, we offer the following comments on the proposed rule to assist the MMS in developing requirements to effectively address the potential safety problems during pipeline modifications or repairs.

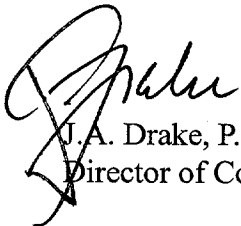
- The rule would apply to any modifications or repairs that involve cutting into the pipeline or opening the pipeline at a flange, and the MMS' concern appears to focus on the problems of complete isolation of the segment. It should be noted that flanges are frequently opened safely, especially where isolation valves are present.
- The rule would require development of procedures to inform all facility workers in advance concerning any upcoming modification or repair and to alert all facility workers immediately before any attempts to de-pressurize a pipeline and immediately before cutting into or opening any pipeline to perform the modification. We suggest that the MMS consider and address the distinctly separate issue of emergency situations. The proposed procedural requirements should be modified to allow for situations where a time delay caused by the preparation of a written procedure and wait for approval from the MMS could jeopardize life, property or the environment.
- The rule would require onsite supervision during the modification or repair. Due to the differing organizational structures of operating companies, DEGT recommends that the rule address the concept of supervision (i.e., use the words "Supervisor or designee") to allow for differing position titles within an organization. Supervision is not always provided by someone called a "Supervisor".
- The rule would require a separate application and "work plan" for each modification or repair meeting the criteria and that approval must be obtained before work can begin. Again, DEGT recommends that the MMS specifically address the distinctly separate issue of emergency situations where the compliance with requirements, including the wait for

approval, as proposed in the NPRM would cause a time delay that could jeopardize life, property or the environment.

It would seem more practical and appropriate for MMS to require the operator to have developed the necessary procedures and that they be available for inspection rather than to require the procedures to be submitted for each modification or repair and have to wait for MMS to review and approve them each time. Preparation and submittal of these procedures and applications is a substantial paperwork burden for the operator and review and approval of such paperwork is a substantial commitment of time and effort for MMS.

We appreciate the opportunity to provide comments on this proposed rule. Should you have any questions or require any additional information regarding these comments, please contact me at 713-627-6385.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.A. Drake".

J.A. Drake, P.E.
Director of Codes and Metallurgical Services

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